CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CEASE AND DESIST ORDER NO. R5-2010-XXXX

REQUIRING
PLACER COUNTY DEPARTMENT OF FACILITY SERVICES
PLACER COUNTY SEWER MAINTENANCE DISTRICT 1
WASTEWATER TREATMENT PLANT
PLACER COUNTY
TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board), finds that:

1. On 23 June 2005, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2005-0074, and Cease and Desist Order (CDO) No. R5-2005-0075 prescribing waste discharge requirements and compliance time schedules for the Placer County Department of Facility Services (hereafter Discharger) Placer County Sewer Maintenance District 1 Wastewater Treatment Plant (hereafter Facility). The Facility is designed to provide tertiary treatment for average dry weather flows of 2.18 million gallons per day (MGD) and peak wet weather flows of 3.5 MGD for discharges to Rock Creek, a tributary to Dry Creek, the Bear River, and the Sacramento River. The Discharger has historically had high levels of inflow and infiltration during wet weather events that have resulted in flows exceeding 3.5 MGD. During severe wet weather events, the Facility discharges a combination of secondary and tertiary treated wastewater.

2. Order No. R5-2005-0074 included effluent limitations for aluminum, bromodichloromethane (also known as dichlorobromomethane), nitrate plus nitrite, and nitrite which required, in part:

Constituents	***Units***	***30-Day Average***	***4-Day Average***	***1-Hour Average***	***Daily Average***	***Instantaneous Maximum***
Aluminum	*µg/L*	*58*	---	---	*160*	---
	lbs/day[1]	*1.1*	---	---	*2.9*	---
Total Nitrate plus Nitrite (as N)	*mg/L*	*10*	---	---	---	---
	lbs/day[1]	*182*	---	---	---	---
Nitrite	*mg/L*	*1*	---	---	---	---
	lbs/day[1]	*18.2*	---	---	---	---
Bromodichloromethane	*µg/L*	*0.56*	---	---	---	---
	lbs/day[1]	*0.0102*	---	---	---	---

[1] *Based upon the Design Dry Weather Flow Rate of 2.18 mgd (x mg/L x 8.345 x 2.18 mgd = y lbs/day.*

3. Order No. R5-2005-0074 included a schedule for achieving compliance with the effluent limitations for dichlorobromomethane by 30 March 2010. Order No. R5-2005-0074 expires on 1 June 2010.

4. CDO No. R5-2005-0075 included a schedule for achieving compliance with the effluent limitations for aluminum, nitrate plus nitrite, and nitrite by 1 March 2010.

5. Order No. R5-2005-0074 included effluent limitations for 5-day biochemical oxygen demand (BOD_5) and total suspended solids (TSS) when influent flow is less than or equal to 3.5 MGD which required, in part:

Constituents	Units	Monthly Average	Weekly Average	7-Day Median	24-Hour Average	Daily Maximum
BOD[1]	mg/l	10[2]	15[2]	---	---	---
	lbs/day[3]	182	273	---	---	---
Total Suspended Solids	mg/l	10[2]	15[2]	---	---	---
	lbs/day[3]	182	273	---	---	---

[1] 5-day, 20°C biochemical oxygen demand (BOD)
[2] To be ascertained by a flow proportional 24-hour composite
[3] Based upon the Design Dry Weather Flow Rate of 2.18 mgd (x mg/l x 8.345 x 2.18 mgd = y lbs/day)

6. Order No. R5-2005-0074 included effluent limitations for BOD_5 and TSS when wet weather flow is greater than 3.5 MGD and the 7-day median receiving water temperature is less than 60°F which required, in part:

Constituents	Units	Monthly Average	Monthly Median	Weekly Average	Daily Maximum
BOD[1]	mg/l	20[2]	---	30[2]	50[2]
	lbs/day[3]	364	---	546	910
Total Suspended Solids	mg/l	20[2]	---	30[2]	50[2]
	lbs/day[3]	364	---	546	910

[1] 5-day, 20°C biochemical oxygen demand (BOD)
[2] To be ascertained by a flow proportional 24-hour composite
[3] Based upon the Design Dry Weather Flow Rate of 2.18 mgd (x mg/l x 8.345 x 2.18 mgd = y lbs/day)

7. On **<DATE>**, the Central Valley Water Board adopted Order No. R5-2010-XXXX rescinding Order No. R5-2005-0074 and prescribing renewed WDRs for the Facility. Order No. R5-2010-XXXX section IV.A.1.a contains Final Effluent Limitations for Discharge Point Nos. 001 and 002 which read, in part, as follows:

"Table 6. Final Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Conventional Pollutants						
Biochemical Oxygen Demand 5-day @ 20°C	mg/L	10	15	25	--	--
	lbs/day[1]	182	273	455	--	--
Total Suspended Solids	mg/L	10	15	25	--	--
	lbs/day[1]	182	273	455	--	--
Priority Pollutants						
Chlorodibromomethane	µg/L	0.41	--	0.82	--	--
Dichlorobromomethane	µg/L	0.56	--	1.5	--	--
Non-Conventional Pollutants						
Aluminum, Total Recoverable	µg/L	68	--	151	--	--
Nitrate Plus Nitrite (as N)	mg/L	10	--	--	--	--

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Nitrite Nitrogen, Total (as N)	*mg/L*	*1.0*	--	--	--	--

[1] *Mass-based effluent limitations based on permitted average dry weather flow of 2.18 MGD."*

8. Prior to the adoption of Order No. R5-2005-0074, the Discharger began to pursue regionalization with the City of Lincoln Wastewater Treatment and Reclamation Facility. As stated in Finding No. 11 of Order No. R5-2005-0074, the Discharger committed to making a determination by 2 January 2008 regarding whether to regionalize or complete and implement measures to comply with effluent limitations. If, after 2 January 2008, wastewater regionalization was not the selected compliance alternative, the Discharger agreed that sufficient time remained to complete and implement measures to come into compliance with the Order by March 2010. The Discharger has not yet connected to the City of Lincoln Wastewater Treatment and Reclamation Facility or completed measures to come into compliance with permit requirements.

9. Section 13301 of the California Water Code (CWC) states in part, "*When a regional board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or* discharge *prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventative action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing, or in accordance with the procedure set forth in Section 13302.*"

10. The Central Valley Water Board finds that the Discharger is not able to consistently comply with the effluent limitations for aluminum, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and nitrite. When the influent flow exceeds 3.5 MGD, the Discharger also cannot comply with the effluent limitations for BOD_5 and TSS. The schedules for completing the actions necessary to achieve full compliance exceed the adoption date of this Order. Additional time is necessary to provide the necessary treatment to comply with the requirements of Order No. R5-2010-XXXX. New time schedules are necessary in a CDO for all the constituents listed above. These limitations were new requirements that became applicable to the Order after the effective date of adoption of the WDRs, and after 1 July 2000, for which new or modified control measures are necessary in order to comply with the limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

11. Immediate compliance with the effluent limitations for aluminum, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and nitrite is not possible or practicable.

Immediate compliance with the effluent limitations for BOD_5 and TSS when the influent flow exceeds 3.5 MGD is not possible or practicable. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance.

This Order requires the Discharger to submit an infeasibility report within 30 days of the adoption date of this Order. The Regional Water Board is providing no later than 1 May 2015 for the Discharger to comply with these requirements.

Mandatory Minimum Penalties

12. CWC section 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties (MMPs) upon dischargers that violate certain effluent limitations. CWC section 13385(j) exempts certain violations from mandatory minimum penalties "*where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, if all the [specified] requirements are met…For the purposes of this subdivision, the time schedule may not exceed five years in length….*"

13. By statute, a Cease and Desist Order or Time Schedule Order may provide protection from MMPs for no more than five years. Compliance schedules for BOD_5, chlorodibromomethane, dichlorobromomethane, and TSS have not previously been included in an enforcement order. Therefore, compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of the final effluent limitations for BOD_5, chlorodibromomethane, dichlorobromomethane, and TSS in accordance with CWC section 13385(j)(3). Protection from MMPs for these four constituents begins on [date of adoption] and may not extend beyond 1 May 2015.

14. CWC section 13385(j)(3) requires the preparation and implementation of a pollution prevention plan pursuant to section 13263.3 of the CWC. This Order requires the Discharger to develop and implement a pollution prevention plan for chlorodibromomethane and dichlorobromomethane in order to effectively reduce the effluent concentrations by source control measures.

15. Because CDO No. R5-2005-0075 provided the Discharger with almost five years to comply with effluent limitations for aluminum, nitrate plus nitrite, and nitrite, the exception from mandatory minimum penalties pursuant to CWC section 13385(j)(3) does not apply for these parameters. Pursuant to CWC section 13263.3(d)(1)(D), a pollution prevention plan was required in CDO No. R5-2005-0075 for aluminum, nitrate plus nitrite, and nitrite in order to effectively reduce the effluent concentrations by source control measures. This Order requires the Discharger to update and implement the existing pollution prevention plans for these parameters.

16. Since the time schedules for completion of actions necessary to bring the waste discharge into compliance exceeds one year, this Order includes interim requirements and dates for their achievement. The time schedules do not exceed five years.

17. The compliance time schedule in this Order includes interim effluent limitations for aluminum, BOD_5, chlorodibromomethane, dichlorobromomethane, nitriate plus nitrite, nitrite, and TSS. The interim effluent limitations consist of a maximum daily effluent concentration derived using sample data provided by the Discharger, except for BOD_5 and TSS. In developing the interim limitations, where there are 10 sampling data points or more, sampling and laboratory variability is accounted for by establishing interim limits that are based on normally distributed data where 99.9 percent of the data points will lie within 3.3 standard deviations of the mean (*Basic Statistical Methods for Engineers and Scientists, Kennedy and Neville, Harper and Row, 3rd Edition, January 1986*). Where actual sampling shows an exceedance of the proposed mean plus 3.3-standard deviation interim limit, the maximum detected concentration has been established as the interim limitation. In developing the interim limitations, when there are less than 10 sampling data points available, the USEPA *Technical Support Document for Water Quality- based Toxics Control* ((EPA/505/2-90-001), TSD) recommends a coefficient of variation of 0.6 be utilized as representative of wastewater effluent sampling. The TSD recognizes that a minimum of 10 data points is necessary to conduct a valid statistical analysis. The multipliers contained in Table 5-2 of the TSD are used to determine a maximum daily limitation based on a long-term average objective. In this case, the long-term average objective is to maintain, at a minimum, the current plant performance level. Therefore, when there are less than 10 sampling points for a constituent, an interim limitation is based on 3.11 times the maximum observed effluent concentration to obtain the daily maximum interim limitation (TSD, Table 5-2).

    Interim limitations for BOD_5 and TSS are established at the levels allowed by Order No. R5-2005-0074 when influent flows exceed 3.5 MGD and the 7-day median receiving water temperature is less than 60°F.

    The following tables summarize the calculations of the interim performance-based effluent limitations:

Interim Effluent Limitation Calculation Summary

Parameter	Units	MEC	Mean	Std. Dev.	# of Samples	Interim Maximum Daily Effluent Limitation
Aluminum, Total Recoverable	µg/L	162	55	40	25	188
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	--	--	--	--	[1]
Chlorodibromomethane	µg/L	0.97	0.4	0.3	7	3.0
Dichlorobromomethane	µg/L	14	3.4	4.2	24	17
Nitrate Plus Nitrite (as N)	mg/L	49	17.5	3.8	1,094	49[2]
Nitrite Nitrogen, Total (as N)	mg/L	3.12	0.2	0.3	1,094	9.7
Total Suspended Solids	mg/L	--	--	--	--	[1]

[1] Interim limitations established at the levels allowed by Order No. R5-2005-0074 when influent flows exceed 3.5 MGD and the 7-day median receiving water temperature are less than 60°F.

[2] Because the maximum effluent concentration for this parameter was greater than the statistically calculated effluent limitations, the interim limitation was established at the maximum effluent concentration.

18. The Regional Water Board finds that the Discharger can undertake source control and treatment plant measures to maintain compliance with the interim limitations included in this Order. Interim limitations are established when compliance with the final effluent limitations cannot be achieved by the existing discharge. Discharge of constituents in concentrations in excess of the final effluent limitations, but in compliance with the interim effluent limitations, can significantly degrade water quality and adversely affect the beneficial uses of the receiving stream on a long-term basis. The interim limitations, however, establish an enforceable ceiling concentration until compliance with the effluent limitation can be achieved.

19. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) ("CEQA") for the following reasons, each of which is an independent basis for exemption.

    1. This Order does not modify any compliance dates or other requirements of NPDES Order No. R5-2005-0074, which requires compliance with the effluent limitations addressed by this Order. This Order serves to enforce Order No. R5-2005-0074. This Order is exempt from CEQA under Water Code Section 13389, since the adoption or modification of a NPDES permit for an existing source is exempt and this Order only serves to implement a NPDES permit. (*Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556.).

    2. This Order does not have the potential to cause a significant impact on the environment (Title 14 CCR section 15061(b)(3)) and is not a "project" as defined by CEQA. This Order enforces preexisting requirements to improve the quality of ongoing discharges that are part of the CEQA "baseline"; and includes interim effluent limitations to ensure that discharges do not increase above the CEQA baseline. This Order imposes requirements that will maintain the CEQA baseline while the Discharger attains compliance with the existing requirements. The pollution prevention plan will identify source control measures in order to meet the preexisting effluent limitations. Since the compliance schedule is as short as possible and any actions to comply with the existing requirements are already required, this Order does not allow or cause any environmental impacts to occur; those impacts would occur regardless of this Order.

    3. Which source control measures the Discharger will identify or select for implementation as a result of source control review in the pollution prevention plan is indefinite and uncertain. In addition, the Discharger is required to study alternatives and potential adverse impacts in its pollution prevention plan, under Water Code Section 13263.3(d)(2).

    4. This Order is exempt pursuant to CEQA Guidelines Section 15321. The discharges subject to this Order are not "hazardous materials." Also, the discharges occur offsite and do not occur at the site itself.

20. On **XX May 2010**, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider an amendment to a Cease and Desist Order under CWC section 13301 to amend a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED THAT Cease and Desist Order No. R5-2005-0075 is rescinded, and, pursuant to CWC Section 13301:

1. The Discharger shall comply with the following time schedule to ensure compliance with the effluent limitations in Order No. R5-2010-XXXX for aluminum, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and nitrite:

Task	**Date Due**
Submit Method of Compliance Workplan/Schedule	Within **6 months** after adoption of this Order
Update and implement Pollution Prevention Plan[1] as specified in CWC Section 13263.3 for aluminum, nitrate plus nitrite, and nitrite	Within **90 days** after adoption of this Order
Submit and implement Pollution Prevention Plan (PPP)[2] pursuant to CWC section 13263.3 for chlorodibromomethane and dichlorobromomethane	Within **6 months** after adoption of this Order
Progress Reports[3]	**30 June, annually**, after approval of work plan until final compliance
Full compliance with aluminum, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and nitrite effluent limitations	**1 May 2015**

[1] The pollution prevention plan shall be updated and implemented for aluminum, nitrate plus nitrite, and nitrite, as appropriate, and shall meet the requirements specified in CWC section 13263.3.

[2] The pollution prevention plan shall be updated and implemented for chlorodibromomethane and dichlorobromomethane, as appropriate, and shall meet the requirements specified in CWC section 13263.3.

[3] The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

2. The Discharger shall comply with the following time schedule to ensure compliance with the effluent limitations for BOD_5 and TSS when the influent flow is greater than 3.5 MGD and the 7-day median receiving water temperature is less than 60°F:

Task	**Date Due**
Submit Method of Compliance Workplan/Schedule	Within **6 months** after adoption of this Order
Progress Reports[1]	**30 June, annually**, after approval of work plan until final compliance
Full compliance	**1 May 2015**

[1] The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

3. The following interim effluent limitations for aluminum, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and nitrite shall be effective immediately, and shall remain in effect through **30 April 2015**, or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner.

Parameter	Units	Maximum Daily Effluent Limitation
Aluminum, Total Recoverable	µg/L	188
Chlorodibromomethane	µg/L	3.0
Dichlorobromomethane	µg/L	17
Nitrate Plus Nitrite (as N)	mg/L	49
Nitrite Nitrogen, Total (as N)	mg/L	9.7

4. The following interim effluent limitations for BOD_5 and TSS when the influent flow is greater than 3.5 MGD and the 7-day median receiving water temperature is less than 60°F shall be effective immediately, and shall remain in effect through **30 April 2015**, or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner.

Parameter	Units	Interim Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	20	30	50
	lbs/day[1]	364	546	910
Total Suspended Solids	mg/L	20	30	50
	lbs/day[1]	364	546	910

[1] Mass-based effluent limitations based on a permitted average dry weather flow of 2.18 MGD.

5. For the compliance schedules required by this Order the Discharger shall submit to the Regional Water Board on or before each compliance report due date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, and shall include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Water Board by letter when it returns to compliance with the time schedule.

6. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

7. Any person signing a document submitted under this Order shall make the following certification:

   "*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*"

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on **XX May 2010**.

PAMELA C. CREEDON, Executive Officer